

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 20TH AUGUST 2007 / 29TH SRAVANA 1929

WP(C).No. 22164 of 2007(L)

PETITIONER:

KOLAPARAMBATH UNNIRI, S/O. CHEKKUTTY,
PADINJATTUMURI, KAKKODI P.O., KOZHIKODE DISTRICT.

BY ADV. SRI.V.N.RAMESAN NAMBISAN

RESPONDENTS:

1. KOLAPARAMBATH KRISHNANKUTTY,
S/O. APPUTTY, BUS CONDUCTOR, PADINJATTUMURI,
KAKKODI P.O., KOZHIKODE.
2. ASSISTANT ENGINEER,
ELECTRICAL SECTION, K.S.E.B. KAKKODI, KOZHIKODE.

R2 BY ADV. SRI.P.P.THAJUDEEN, SC, K.S.E.B
R1 BY ADV. SRI.NIRMAL. S

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 20/08/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF WRITTEN STATEMENT DT.26.11.2005 FILED BY R2 IN O.S. NO.397/05 BEFORE THE MUNSIF COURT, KOZHIKODE.

P2: TRUE COPY OF THE O.P. NO.86/07 FILED BY R1 BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM, KOZHIKODE.

P3: TRUE COPY OF NOTES OF ARGUMENT DT.JUNE, 2007 FILED BY PETITIONER IN O.P. NO.86/07.

P4: TRUE COPY OF STATEMENT FILED BY R2 IN O.P. 86/07.

P5: TRUE COPY OF ORDER DT.16.6.07 OF THE DEPUTY CHIEF ENGINEER, CONSUMER GRIEVANCE REDRESSAL FORUM, KOZHIKODE.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.22164 of 2007
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Dated this the 20th day of August, 2007.

JUDGMENT

Heard counsel for the petitioner, counsel appearing for first respondent and Standing Counsel for KSEB. Electric connection appears to have been given to the petitioner over the property of first respondent without his consent. On complaint by the first respondent, the Consumer Grievance Redressal Forum, Kozhikode directed shifting of the line through the alternate route proposed by the parties. Shifting should be done through a route lesser inconvenient for the land owners concerned. It is for the first respondent to suggest which is the shortest and least inconvenient route for shifting the line. Any proposal made by first respondent has to be considered by second respondent and if it is possible, he will shift the line and retain the connection to the petitioner. Compensation, if any, payable for cutting tree or crossing property will be considered by the concerned authority on reference by second respondent. If dispute survives, the second respondent will draw up proposal for shifting of line and if the present route is least inconvenient, he will recommend retention of the line or otherwise draw up suitable proposal and forward the report to the ADM and

ADM will hear the petitioner and first respondent and any other land owner who is involved and pass appropriate orders under Section 16(1) of the Telegraph Act which is applicable for electric connection. In any case supply to the petitioner should not be disconnected except for the short time for shifting line if agreed or approved.

W.P. is disposed of as above.

C.N.RAMACHANDRAN NAIR
Judge

pms